

BellSouth Telecommunications, Inc.
601 W. Chestnut Street
Room 407
Louisville, KY 40203

Dorothy.Chambers@BellSouth.com

Dorothy J. Chambers
General Counsel/Kentucky

502 582 8219
Fax 502 582 1573

December 20, 2005

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

RECEIVED

DEC 21 2005

PUBLIC SERVICE
COMMISSION

Re: BellSouth Telecommunications, Inc.'s Notice of Intent to Disconnect
SouthEast Telephone, Inc. for Non-Payment
PSC 2005-00519

SouthEast Telephone, Inc., Complainant v. BellSouth
Telecommunications, Inc., Defendant
PSC 2005-00533

Dear Ms. O'Donnell:

Enclosed for filing in the above-captioned cases is the original and ten (10) copies of BellSouth Telecommunications, Inc.'s Motion to Shorten the Time for Briefing.

Very truly yours,


Dorothy J. Chambers

Enclosure

cc: Parties of Record

614771

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)	
NOTICE OF INTENT TO DISCONNECT)	CASE NO.
SOUTHEAST TELEPHONE, INC. FOR NON-)	2005-00519
PAYMENT)	
)	
AND)	
)	
SOUTHEAST TELEPHONE, INC.)	
)	
COMPLAINANT)	CASE NO.
)	2005-00533
VS.)	
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

BELLSOUTH TELECOMMUNICATIONS, INC.'S
MOTION TO SHORTEN THE TIME FOR BRIEFING

BellSouth Telecommunications, Inc. ("BellSouth"), by counsel, respectfully requests that the Commission shorten the time for briefing so that this matter can be considered by the Commission on a more expeditious manner.

The Commission's Order of December 16, 2005, requires that BellSouth continue to provision all functions and services to SouthEast Telephone, Inc. ("SouthEast") during the pendency of this proceeding even though SouthEast has failed to pay over \$1 million in charges owed for resold services SouthEast has ordered. BellSouth believes that the briefing of these legal issues should be accomplished as promptly as possible. This matter arose as a result of SouthEast paying only the unbundled network

element platform (UNE-P) rate for new orders even though SouthEast has ordered resold services. The material facts are undisputed. BellSouth has provisioned resold services in accordance with the interconnection agreement and BellSouth has billed SouthEast for those resold services at the rates set forth in the interconnection agreement. However, SouthEast is not paying for the services it has ordered at resold rates, but instead is paying at UNE-P rates, which it no longer is able to order for new services. As noted, at present, the difference between the resale and UNE-P rates for the services SouthEast has ordered is over one million dollars. This million dollar figure grows substantially as SouthEast continues to order resold services and pay only the UNE-P rate while this matter is pending.

The Commission's December 16, 2005, Order set BellSouth's answer and brief as due 30 days from the date of that Order and SouthEast's reply brief as due 40 days from the day of the Order. BellSouth respectfully moves the Commission to shorten BellSouth's time for filing its answer and brief to December 30, 2005, and to require that SouthEast's brief be filed ten days thereafter. As noted, BellSouth's request is for **BellSouth** to shorten its briefing time and answer time, which also requires BellSouth to prepare and file its pleadings over the upcoming holiday period. The undersigned counsel has contacted David Sieradzki, counsel for SouthEast and requested SouthEast's concurrence in this proposed revised briefing schedule. BellSouth advised SouthEast that the proposal still allows SouthEast the full ten days following BellSouth's filing of the answer and brief. Nevertheless, counsel for SouthEast refused to agree to this proposed briefing schedule. Mr. Sieradzki stated that he had no known conflict that would prevent him from filing the reply brief within this proposed schedule; Mr. Sieradzki

said his reason for refusing to agree to a shorter briefing time is that it is disadvantageous to SouthEast because SouthEast currently is keeping the disputed money while this matter is pending.

BellSouth believes that SouthEast should have been required to pay its invoices in full while this matter is pending. Moreover, requiring BellSouth to provide resold services at UNE-P rates in essence results in BellSouth being required to provide UNE-P. Because of the apparent conflict between the Commission's December 16, 2005, Order and Judge Hood's April 22, 2005, Order in *BellSouth Telecommunications, Inc., v. Cinergy Communications Co.*, No. 3:05-CV16-JMH (E.D.Ky.), as well as because of the significant and increasing unpaid amount owed by SouthEast to BellSouth, BellSouth respectfully requests, at a minimum, the briefing schedule be amended so that this matter is submitted to the Commission for decision as quickly as possible.

Respectfully submitted,



Dorothy J. Chambers
601 W. Chestnut Street, Room 407
P. O. Box 32410
Louisville, KY 40232

Robert A. Culpepper
Suite 4300, BellSouth Center
675 W. Peachtree Street, N.E.
Atlanta, GA 30309

COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.

CERTIFICATE OF SERVICE – PSC 2005-00519 AND 2005-00533

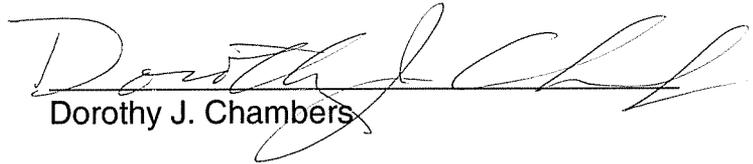
It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof, this 20th day of December 2005.

Darrell Maynard
SouthEast Telephone, Inc.
106 Power Drive
P. O. Box 1001
Pikeville, KY 41502-1001

Hon. Jonathon N. Amlung
AMLUNG Law Offices
616 S. 5th Street
Louisville, KY 40202

Bethany Bowersock
SouthEast Telephone, Inc.
106 Power Drive
P. O. Box 1001
Pikeville, KY 41502-1001

Hon. David L. Sieradzki
Hogan & Hartson, L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004-1109


Dorothy J. Chambers